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Attorneys for Defendant APPLE INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-
defendant

v.

APPLE INC.,

Defendant,
Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF RACHEL S. BRASS IN
SUPPORT OF BRIEF RE: MOTION TO
STRIKE WRITTEN AND ORAL
TESTIMONY OF DR. MICHAEL I. CRAGG
REGARDING FOREIGN REGULATORY
SUBMISSIONS OF A NON-PARTY**

1 I hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
3 of this Court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record for
4 Defendant Apple Inc. ("Apple") in this case. I have personal knowledge of the facts stated below and,
5 if called as a witness, I could and would testify competently thereto.

6 2. Following trial on May 13, 2021, I directed Gibson Dunn attorneys working under my
7 supervision to search the files produced by Spotify in this litigation to determine whether the document
8 entitled "An economic assessment of the effects of Apple's License Agreement with Spotify,"
9 referenced in PX-1152 and PX-1153, was produced by Spotify.

10 3. That search revealed that a document bearing a similar title—
11 —and dated after PX-1152 was
12 produced by Spotify. Based on my review, the document appears to reference only data collected in
13 , and not any of the discussed in PX-1152 and PX-1153.

14 4. The attorneys working under my supervision did not find in their search any documents
15 matching the description of the study referenced in PX-1152 and PX-1153.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is true
17 and correct and that this Declaration was executed on May 14, 2021 at San Francisco, California.

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19 /s/ Rachel S. Brass
20 Rachel S. Brass
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